

REMARKS

In summary, claims 1-8 are all the claims pending in the application. The Examiner maintains the same rejections of claims 1-7 as set forth in the previous Office Action. Specifically, claims 1-6 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takei et al. (US Patent No. 5, 785, 024) in view of Ito et al. (US Patent Application Publication No. 2002/0139873) and Freyn et al. (US Patent No. 4,203,402). Claim 7 remains rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takei, Ito and Freyn, and further in view of Takahashi et al. (US Patent No. 6, 269,798). Claim 8 is now rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

§103(a) Rejections (Takei/Ito/Freyn) - Claims 1-6

With respect to independent claim 1, the Examiner essentially maintains the same arguments set forth in the previous Office Action.

In response, Applicant maintains, as set forth previously, that the Examiner has obviously utilized impermissible hindsight reasoning in concluding that one of ordinary skill in the art would have known that it was necessary to form a flat surface regardless of the material used for the exterior of the injector. Nowhere does the Examiner point out components that allegedly correspond to the claimed resin flat surface portion, and nowhere does the Examiner show a constraining portion of a retainer that engages with the claimed resin flat surface portion. Absent such showing by the prior art references, and since the Examiner lacks proof that one of ordinary skill in the art would have achieved the above-quoted features, Applicant submits that the unique

combination of features set forth in claim 1 render this claim patentably distinguishable over the applied references, either alone or in combination.

Applicant submits that dependent claims 2, 3, 5, and 6 are patentable at least by virtue of their respective indirect or direct dependencies from independent claim 1.

With respect to claim 4, the Examiner yet again essentially maintains his previous rejection of this claim. In response, Applicant maintains that the C-shaped clamp of Takei is not formed of elastic material, and that one skilled in the art would not consider the C-shape clamp of Takei to be formed of elastic material.

At least based on the foregoing, Applicant submits that claims 1-6 are patentably distinguishable over the applied references, either taken alone or combination.

§103(a) Rejections (Takei/Ito/Freynt/Takahashi) - Claim 7

Applicant submits that claim 7 is patentable at least by virtue of its indirect dependency from independent claim 1. Takahashi does not make up for the deficiencies of the other applied references.

§112, first paragraph, Rejection - Claim 8

With respect to the rejection of claim 8 under 35 U.S.C. § 112, first paragraph, the Examiner alleges that this claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. In response, Applicant respectfully points out that nowhere does the specification disclose that the retainer is made of metal. Therefore, it is clear that the particular features recited in claim 8 were within the possession of the inventors at the time the application was filed.

RESPONSE UNDER 37 C.F.R. § 1.111
U. S. Application No. 10/784,824

ATTORNEY DOCKET NO. Q79443

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

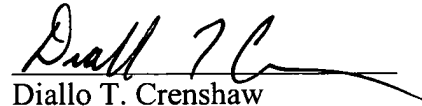
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Diallo T. Crenshaw
Registration No. 52,778

Date: January 6, 2006